

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JIMMY BROWN,
Plaintiff,

vs.

LT. TURNER, *et al.*,
Defendants.

Case No. 1:11-cv-68

Spiegel, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff filed this action pro se under 42 U.S.C. § 1983 alleging a violation of his constitutional rights.

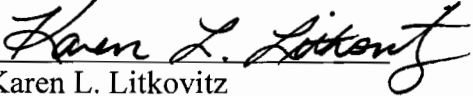
On November 17, 2011, the Court ordered plaintiff to show cause why defendants' motion for summary judgment should not be construed as unopposed and granted for the reasons stated in the motion. (Doc. 17). On November 23, 2011, the copy of the Court's Show Cause Order mailed to plaintiff was returned to the Clerk of Court by the United States Postal Service with the notation "Parole 9-15-11." (Doc. 18). As plaintiff was previously ordered to inform the Court promptly of any changes of address which occur during the pendency of this lawsuit (Doc. 2), a second Show Cause Order was mailed to plaintiff requiring him to show cause why the Court should not dismiss this case for failure to obey a court order and for lack of prosecution. (Doc. 19). That Order was likewise returned by the United States Postal Service as undeliverable and bearing the notation "Released 9-15-2011." (Doc. 20).

To date, plaintiff has not responded to the Court's Show Cause Orders. Accordingly, dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice for lack of prosecution; and
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of any Court Order adopting this Report and Recommendation would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Date: 12/23/11


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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